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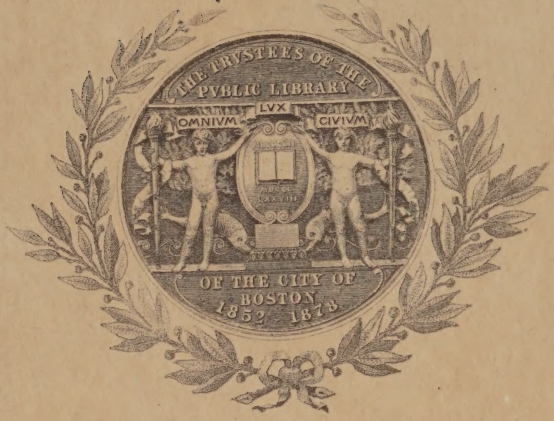
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A

REVIEW

OF

REV. MR. LOVEJOY'S "LECTURE

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ON THE SUBJECT OF

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PROHIBITORY LAWS,

IN REGARD TO THE USE OF

INTOXICATING DRINKS."

BY A CITIZEN OF MAINE.

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REVIEW.

We are glad this lecture has been given to the public; and we are especially glad it is given to the public just now, at a time when all concur in the desire and expectation, that the opponents of "Prohibitory Laws in regard to the use of Intoxicating Drinks," may bring forth their "strong reasons."

"Let them bring them forth, and show us what shall happen: let them show the former things, what they be, that we may consider them, and know the latter end of them; or declare us things for to come."

The Rev. gentleman to whom we are indebted for this lecture is no novice in the Temperance Reformation. "Twenty-five years ago," he girded on his "harness" in the cause: nor has he put it off. "In 1840 and '41," he "was employed by the State Society of Maine, to lecture upon the subject through the State." During that period he "made the whole subject *a study*, according to the best of his abilities, and arrived at some fixed and definite conclusions." A very efficient lecturer he was; he did the cause good service.

It is gratifying to know, at the outset, that he made the whole subject "*a study;*" and, at that time, "arrived at some fixed and definite conclusions."

If any have had great experience of wisdom and knowledge in this cause, Mr. Lovejoy is of this class; and "wisdom is profitable to direct."

The able editor of the *Christian Mirror* speaks of the lecture on this wise:—

"The lecture itself is a performance of no little power. It is one, which, whether right or wrong in its teachings, cannot be 'pugh'd' down, nor sneered down, nor 'rummie'd' down, nor disposed of by allowing the author 'a considerable originating talent,' but denying him 'any great logical power.' He has brought experience, history, fact, philosophy, to bear on his argument, with a skill and directness, which it will require a different sort of weapons from these to arrest or set aside. The common sense views, the earnest feeling, the out-spoken plainness of expression, the honest sincerity, the bold

avowals, the pat and pithy sayings and use of acknowledged facts and principles, cannot fail to have a prodigious effect upon the popular mind."

Certainly, this "is no faint praise."

And yet, we feel called upon to say, we do not believe it will have that "prodigious effect upon the popular mind,"— certainly not against the law, which some have predicted; and, for the reason, as it seems to us, that neither "experience, history, fact," nor "philosophy" bears on "his argument with a skill and directness" so convincing as to warrant the conclusion to which he has arrived.

Let us come, then, to an analysis of the lecture; and let us see how the case stands. It has for its text, Romans, 5: 20. "Moreover, the law entered that the offence might abound."

The gentleman's exegesis of this passage; or rather, *the way in which he uses it to sustain his position*, we find, not only in his introductory remarks, but on pp. 8 and 9 of the lecture, in such remarks as the following:—

"And every man for whom you spill one barrel of rum, which he believes is property, and which you have sanctioned as property by your law, and license, and sale, will buy ten barrels and give it away; and intoxicating drinks will then become a *temptation* as they never have been before. Then you have Canada on the north, and every railroad will become a river of death to the community."

"Every vegetable on earth that has one particle of saccharine matter in it, has only to be put in water till it ferments, and you have alcohol; five dollars, or less, will put a distillery into the house of every man who wants it. England put a very heavy duty upon whiskey carried into Ireland."——(Query. Was it because England would outlaw whiskey as a poisonous beverage?) "*Private* distillation, *concealed distillation went on* all over the kingdom. The British government had not power to stop it by pains and penalties. Where drinking abounded, introduced and regulated by law, it did much more abound against the law,—over the law."

We understand then, that, according to Mr. Lovejoy's exegesis, and application of the text to the Prohibitory Law, *the law* is to be held *responsible* for the attempts that will be made to evade and transgress its provisions. Indeed, this is the idea which is held up as properly deduced from a legitimate use of the text, and as the basis of the lecture. And this is so obvious that Mr. Cummings in the article from which we have quoted, after giving the text and Mr. Lovejoy's remarks upon it, adds:—

"That the effect of prohibitions is often such as is here stated, it would be hard to disprove. What parent, almost, has not seen it in his children—a perpetual, teazing desire to do something which is forbidden,—a desire which gains strength, till it becomes invincible. Still we think it behoved our brother to employ a few words in showing, that this was not the *design* of law. The law is not the *cause* of the offence."

Now, what we have to say is, Paul, according to the opinion of our most learned and pious commentators held no such doctrine as

this lecture imputes to him, with respect to the law of which he spoke. The Apostle shows the falsity of the idea that the law is to be held accountable for the offence.

He obviously foresaw that because he had said, "Moreover, the law entered that the offence might abound;" or in other words, because he had stated that one effect of the law is the increase of sin, an objection would be raised against the law *itself;* this objection the Apostle anticipates by adding, "What shall we say then? Is the law sin? God forbid." "To this objection," says Rev. Albert Barnes, "the Apostle replied with great wisdom, by showing that the evil was not in the *law*, but *in man;* that though these effects often followed, yet, that the law itself was good and pure." And is this exegesis untenable? If not, then so far as the author of the lecture has attempted to found an argument against the law on the principle which is taught by the text, he has failed.

And the very extracts which we have made from the lecture go to show,—not, what he would have us believe, that the evils of which he speaks, may justly be attributed to the Prohibitory Law,—but, that the real cause of their existence is *in man;* who, in consequence of his love for intoxicating liquors, will malign, and pervert, and transgress the law to his destruction. If men, in consequence of the Prohibitory Law, will now buy their "ten barrels, and give it away;" and make "every railroad a river of death to the community;" and "put a distillery into the house of every man who wants it;" the law, we say, is no more to be held accountable for these effects, if effects you please to call them, than is the law of God for the sinfulness of man. No more is it to be held accountable for these effects, than the law against larceny for the repeated thefts of John Smith, because there was not "power enough in the penalty to maintain the law against the original desire, and these augmented forces of the desire," of John Smith, feloniously to take, and carry away, the property of his neighbor; but, in consequence of a law prohibiting stealing, his "desire pressed against the barrier," and being resisted, "recoiled with irritation upon itself," and acquired new strength to break forth *as it did.* "When you introduce a law," is the principle laid down in the lecture under review, "you must look to it, that you have power not only to crush whatever opposition may now exist, but also all that may be excited by the irritation which your law will produce;" this is the principle to which, as we understand, the author is led by the text. We should have been glad had he seen fit to be a little more liberal of "logic" in support of a principle—if a principle it is,—so exceedingly comprehensive.

And as he may give the public something more on this subject, we respectfully propose the question, to which we hope he will

definitely reply, that some service may be rendered to legislators: How are they to know whether their law, until it is executed, has power to crush, and not only to crush whatever opposition may now exist, but also all that may be excited by the irritation which their law will produce?

In short, it may be said, with much truth, there is but little danger of having the statute books of any State encumbered with new laws for the prevention of crimes, if it is a settled principle, that a law is not to be put forth, *until it is certain* it possesses the *crushing* power, without which our author tells us it ought not to become a law. We doubt not, the gentleman is well acquainted with the history of legislation. And, he will oblige some who have read his lecture, by referring to a few of the many instances in which this principle for the governing of law-makers was adduced and acknowledged as obviously correct.

But, suppose we admit, for the sake of the argument, that the principle, thus categorically laid down is a sound one. Has it not been regarded in the proposed Massachusetts Prohibitory Law?

Is the Maine Law at fault in this respect? On what page of the lecture, and by what evidence is it shown that neither the one nor the other of these laws has power "*to crush* whatever opposition may now exist," *in the rumseller?*

Where is it demonstrated that the law has not sufficient power "to crush the oppositon that *may be* excited by the irritation" which it will produce amongst this class of men?

And the law *is* designed to make the traffickers in intoxicating liquors, as a beverage, desist from their unholy business, the law itself being the result of legislation, induced by the "conviction" and "choice" of the people, "and not by compulsion." Is not one great objection to the law the *stringency* of its provisions, and their inadequacy to effect its design? But, its power to do away with the opposition which is based upon its inadequacy to effect its design, greatly depends on the stringency of its provisons. Its advocates endeavor to look to it, that it shall exert the power *to crush* all opposition, by making it a *stringent law* for the very object which they are told they should have in view. And then they are told,—"O your law is altogether too stringent!"

But, to proceed: "the impotence of the Law of God on moral beings," says the lecturer, "is met by the *power* of the gospel." *This* was the "new expedient" to which God had recourse, when he found "this newly developed power" in man, under the influence of the law, "prostrating the law." But why should we deny to civil law the *power* of the gospel? May not its power be wielded in support of a law prohibiting and punishing crime under human legislation as well as under divine? Does not the Maine

Law have all *the chance* for success which a rightful use of the gospel affords? Does not the New Testament enjoin obedience to the laws of the land?

"Every man," I quote from the sermon of the Rev. Albert Barnes, on "the Supremacy of the Laws"—"Every man who is brought under the influence of the Christian religion, is a man who believes that civil government is an ordinance of God; that the laws are to be obeyed; and he submits to the laws, not by constraint, not because he believes it to be a matter of human prudence, or a compact merely, but because it is the appointment of God. It becomes a part of his religion; and the highest of all sanctions—that of religion—is brought to bind him to yield obedience to the laws of his country." Certainly, there is "the *power* of the gospel" to help the law.

We now come to the lecturer's "glance at the history and phases of the temperance cause *itself*, up to the present time." By this "glance" it is evidently his intention to show, that its history, up to the time when the proposed Prohibitory Law of Massachusetts was called for, (or the Maine Law was passed) is against the enactment of such a law. He portrays in glowing terms—nor does the description exceed the reality—the progress of the cause from 1827 to 1833. And he ascribes its progress to this, viz.: "The weapons were, *facts*, *arguments*, *pledges* of *total abstinence*. In the favorite language of that day, "Light and Love." "And never were seven years more fruitful of good than those seven years. Never in so short a time, in any country, was such a change in the social habits and customs of any people."

Then, the cause did not call to its aid, what Mr. Lovejoy believes to be "a carnal" weapon—the law; and which ought not, in his opinion, to be "introduced to accomplish a moral and spiritual end" and the use of which, to accomplish such an end, is not, as he thinks, in accordance with "Light and Love."

If we understand him, he regards the "Prohibitory Law" of the liquor traffic, as introduced to accomplish what is solely "a moral and spiritual end." He classes it with a supposed law of the Sandwich Islands, prohibiting "the manufacture or the traffic in idols;" with a supposed law in Turkey, outlawing the Koran "as a beverage to faith;" and with the prohibitory law of Constantine to abolish idolatry. "The first *prohibitory law*," are his words, "intending to change by law, the habits customs and opinions of a large portion of the community, wielded by the hands of Christian men. There have been plenty of them since, and they commonly destroy their authors, after inflicting incredible evils upon society." Into this catalogue, of course, does he put the Maine Law; he in fact declares, it is of the number of those laws that "commonly

destroy their authors, after inflicting incredible evils upon society." And still, on another page of his lecture, we find him emphatically objecting to any inference being made *in favor* of the law from what it *has* accomplished, because it has been in existence but the brief period of "nine months;" a period of time so limited, that it cannot be known from it, "what the law is, nor what it will do for society."

He condemns the law in its infancy; and then, when *we* plead its good work, he alleges that its infancy must necessarily preclude *us* from attempting to show, by what it has done, "what the law *is*," or "what it *will do*" towards effecting the end for which it was made!

There are those who think, it would have been, on the whole, more consistent, had the lecturer waited a decade of months at least, if not years, in the life of the Maine Law, before so readily classing it with "the first prohibitory law," and "the plenty of them since," which have commonly been attended with such disastrous results.

But living in Massachusetts—so far from Maine, perhaps he was ignorant of the fact, that it has not been discovered "down east," though some in Massachusetts and New York assert it is otherwise, that our Prohibitory Law has inflicted "incredible evils" upon the citizens of this goodly State! And we can say, on reliable authority, that the author of the Maine Law, though officially dead, was not destroyed in consequence of the unpopularity of the law.

Indeed, we have it from a gentleman whose official position gives weight to his opinion — "The law is very much more popular in Portland than the late Mayor;" and again, "you may set this down to begin with, that his defeat is not the defeat of the law."

And we know of no reason, why, with the eloquent young senator from Cambridgeport, should the Senator be ostracised for his vote on the proposed Massachusetts Law, because he voted and spoke "according to *his* convictions,"—the late Mayor of Portland, whose defeat is attributed to his having acted according to *his* convictions of the requirements of the Maine Law, may not be consoled by the saying of a very shrewd man — "The Athenians sent their best men into exile; we, more humane, only remove them from office."

But why, in the early period of the temperance cause, was not the weapon of the law used for the suppression and annihilation of the traffic in ardent spirits as a beverage? It was not because the early advocates of the reformation said, "that the law should not be used;" so we are told on p. 12 of the lecture. And, as on p. 5, he asserts—speaking of the cause from 1827 to 1833—"again and again, were coercion, threats and penalties repudiated;" of

course, the early advocates of the cause did not believe, that, to avail themselves of the aid of law, would be to use "coercion, threats or penalties."

Nor was it, therefore, because they looked upon the law as "a carnal weapon," the use of which to suppress the traffic, was in no wise consistent with "Light and Love." It was for the good reason, that, at that time, there was not the settled conviction which ultimately pervaded the temperance mind, and, to this day remains; that moral suasion had carried the reform onward to a point, beyond which it could not go with sufficient power to meet the exigencies of the case without the aid of prohibitory law.

When this settled conviction had fully come, which was about the time that Washingtonianism began to ebb, in which *ism* moral suasion was regarded as having reached its climax, then the call was made for law; the use of which, to suppress the traffic, but few temperance men, save Washingtonians, (and the most of this class of temperance men were soon changed in their opinion) asserted, was inconsistent with "Light and Love."

Indeed, previous to 1840, "the subject of License Laws was discussed largely in Legislatures, and some unwise laws were enacted;" they were laws designed to restrain the traffic by imposing *certain conditions* on the trafficker.

But, let us here introduce an extract from the speech of Rev. Mr. Kirk; made at the Chatham street chapel, in Boston, October 1st., 1839; before the Young Men's Total Abstinence Society. It is a fitting reply, we think, to what Mr. Lovejoy has said in his lecture, against the introduction of a Prohibitory Law to accomplish "a moral and spiritual end;" and against the introduction of a Prohibitory Law to do away with the traffic in intoxicating liquors as a beverage. It will be setting a Massachusetts man over against a Massachusetts man, and divine against divine: let them settle it.

"I am glad to see *legislative action* commenced on this subject. I am fully averse to every thing that savours of the alliance of Church and State: in which I include either the execution of civil laws by ecclesiastical judges, courts, or officers; or, the infliction of civil penalties *for violations of the divine laws as such.*

"But when the majority of a State or Community, have discovered that an existing custom or institution is a public evil, corrupting the public morals, inflicting taxes on the larger portion, merely to sustain a few in an injurious traffic, then the *legislature is but accomplishing its peculiar office*, in employing the whole force of civil enactments and civil penalties to abate and destroy that nuisance. And while on the other hand, such enactment has reference solely to the political or social evils resulting from such institution, custom or traffic, and therefore is in no sense a religious law; yet, at the same time, it should form no objection in the legislators' minds, that this law or prohibition happens to coin-

cide exactly with the laws of God. In this light I should defend our existing, but violated laws concerning the Sabbath. It is the duty of the legislature to enact a law, which the majority of the community are convinced the public welfare requires. I know not that defence of this position can be necessary. But I would defend it both from the very nature and design of the social compact, and from the practice of legislation in *every civilized country*. If we trace the institution of civil society to the direct action of God, and all authority of civil legislation to Him, then legislators are his ministers appointed to secure, by every possible exercise of legislative power, the temporal welfare of the community. Or if society be considered merely in the light of a human arrangement, a compact; then the legislature as entrusted with the welfare of community, is bound to promote that welfare, by defending society against every injurious influence.

"*And this principle has guided all legislative action.* Many indeed cry out against the interference with rights. But did not the slave trader make the same objection when Britain and America pronounced his traffic piracy, punishable with death. The same may be said of every article in the criminal code. And if it be right for a legislature to make Piracy, Robbery, Murder criminal, it is *equally right*, and *precisely on the same ground*, right to make the Spirit Traffic criminal."

Now, if the sentiments of Mr. Kirk are correct, please to observe, that with respect to our Maine Law, it is an enactment having reference to a civil and social, as well as a moral evil, and is not "the infliction of civil penalties for violations of *the divine law as such;*" in this respect widely differing from the prohibitory law of Constantine, which *was* the infliction of civil penalties for violations of the divine law as such, and strictly a religious law.

The *principle* of the proposed Prohibitory Law and the duty of the legislature to enact a Prohibitory Law, Mr. Kirk would defend, "both from the very nature and design of the social compact, and from the practice of legislation in every civilized country." "And if it be right (is his language) for a legislature to make Piracy, Robbery, Murder criminal, it *is equally right, and precisely on the same ground right*, to make the spirit traffic criminal." Mr. Lovejoy asks, on p. 14 of the lecture: "Have you a right to pass it? (the prohibitory liquor law) according to all the established laws of toleration in the civilized world?" "To this question," (is his answer) "I say no, most distinctly." Mr. Kirk, *as distinctly* says—yes. The people of Maine have answered—yes. And they may properly ask Mr. Lovejoy *to show*, and then his assertion will be of weight, that the principle and practice of such legislation are inconsistent with the established laws of toleration in the civilized world.

Again. Please to observe, Mr. Kirk certainly, as early as 1839, did not regard the use of a Prohibitory Law, as a carnal weapon—not to be wielded against the wicked traffickers, and as inconsistent with "Light and Love."

We are not aware, and, therefore, cannot admit what the lecturer

would have us believe, that "nearly all the early advocates of the (temperance) cause," were far from agreeing with Mr. Kirk in this particular; or that they "gave public assurances that they did not then, nor ever intend" to "grasp political power, and use it technically for the cause of temperance."

We are sure this was not the case with Beecher, and Edwards, and Frelinghuysen, and Lucias M. Sargent, and not a few more able advocates of the cause, whose names might be given.

Dr. Edwards has always maintained, to use his own words,—

"That the cause of temperance is of such importance that it should be vigilantly guarded on all occasions; that it should not be sacrificed for any political considerations; that legal prohibition is the only form of legislative action which we can approve; that temperance men should yield party political considerations whenever these conflict with temperance principles, and that such men, at the polls, should vote only for those candidates who will most efficiently sustain the temperance cause."

At the Massachusetts Temperance Convention, held in Marlborough Chapel, in 1840; the following resolution was introduced, and after an animated and full discussion, passed by a very large majority:—

"*Resolved*, That until the laws of this State, concerning the sale of intoxicating liquors, are fully and firmly established upon the basis of *prohibition*, and sustained by a correct general sentiment like the other penal and criminal laws of the Commonwealth, it is, in our opinion, the duty of Temperance men, in their several political parties, to vote only for those men as candidates for legislative and executive officers, who are known and *inflexible friends of such a course of legislation.*"

This looks very much like grasping political power and using it specifically, if not technically, for the cause of temperance!

And while speaking on this branch of the subject, it may be as well to say now, as at any time, that the State Society of Maine once had an able lecturer, who did not come very far from approving, if he did not advocate, a Prohibitory Law for destroying "the vending of ardent spirits." He was present at the third annual meeting of the society, in 1840. The following is the 9th resolution, which was taken up and discussed at that meeting.

"*Resolved*, That a correct public sentiment on this as well as on every other subject, should be allowed to manifest itself in every suitable way; and one of those ways is the establishment of good and wholesome laws.

"Mr. Cram of New Sharon moved to amend this resolution by adding at the end of it the following words:—

"And a good and wholesome law on this subject would be a law *prohibiting* the sale of intoxicating drinks as a beverage."

"Mr. Cram said he was instructed by the Society he represented to go in favor of a prohibitory law. He wished to have an expression of the Union in order to know what the opinion of the majority is—whether the State is prepared for the law—his town was prepared for such a law and would sustain it."

On this resolution and the amendment, an animated and protracted discussion ensued. Gen. Appleton, and Gen. Fessenden, of Portland; and Rev. S. L. Pomroy of Bangor, and others participating and the above named gentlemen and others, whose names we have not given, advocating such a law.

"Rev. Mr. Adlam contended that the time has not yet arrived when a prohibitory law can be enforced. He did not believe that the Legislature could be induced to pass such a law—but if it could be passed, it could not be executed. We cannot execute the present law, and how can we expect to execute one more obnoxious still? The *Massachusetts Law is not in reality prohibitory*—it allows fifteen gallons to be sold—it allows certain apothecaries to be licensed. If he was to take his choice between the resolutions, he should go for the one just laid on the table. He would prefer to have the power of deciding vested in towns rather than the law proposed in the resolution now under consideration. He said the subject was surrounded with difficulties—and if what he had said had no other effect, it might bring out stronger arguments in favor of prohibition."

"Rev. Mr. Pearl did not agree with all the views which had been advanced. He believed the resolution does not say that now is the time to pass a prohibitory law—it merely approves of it in principle. *The Law in Massachusetts was not a Prohibitory Law—it was a fifteen gallon Law.* If it had not been for this feature, much of the power bro't to bear against it would have been wanting. There is such a thing as right principle, although we may not be able to reach it."

Rev. Mr. Lovejoy, (J. C.?) "said if it could be shown what law would destroy the vending of ardent spirits at one blow, he had no doubt that the present Legislature would pass that law, and pass it willingly. But he saw many of the same difficulties which had been pointed out by the gentlemen who preceded him. The present law is prohibitory to a great extent—and the proposed law will go but little beyond it. The change proposed by the resolution lying on the table and some other changes in the existing law would make it as perfect as law can be made. A law may be passed prohibiting the sale to be drunk in shops *and it may be executed.* Drunkenness is a social vice. Scatter it abroad and you may destroy it."

Was this the Mr. Lovejoy who was a resident of Maine, and an agent of the State Society in 1840, where "the subject of a prohibitory law was discussed from 1836 to 1841, with a great deal of earnestness;" and whose opinions were then, as now, that "the thing is absurd, impossible and unjust?" and who had no doubt, "if it could be shown what law would destroy the vending of ardent spirits at one blow, the present legislature (of 1840) would pass that law, and pass it willingly?"

How far, we would respectfully ask, would "that law" be from "a prohibitory law to accomplish a moral and spiritual end;" which, in our author's opinion, is to be classed with the prohibitory law of Constantine "to abolish the idols, and banish heretics;" laws which "commonly destroy their authors after inflicting incredible evils upon society?"

We should have supposed that the gentleman whose "opinions were *then*, as now," would not so *readily* have admitted, to say the

least, that the legislature of that year would have passed such a law willingly. We should have supposed that *he* would have manifested a little more earnestness, to show its injustice and absurdity.

His opinion that the legislature would pass *such* a law *so* willingly, would almost lead us to think, had we not his declaration to the contrary, that he did *not then* believe "the thing" to be so very "absurd, impossible and unjust."

It should go very far towards establishing the point, that the mass of the people in Maine, as early as 1840, had become converted to the doctrine of the necessity and justice of a Prohibitory Law; for Legislatures do not often "pass willingly" a law to which a large majority of the people are known to be opposed. We ask you to take notice of the early conversion of the people of Maine to the doctrine of the necessity of a Prohibitory Law. It was as early as 1840, the *first* year of the gentleman's agency in behalf of the State Temperance Society! And do we read aright in the lecture:—"neutrality upon any subject where you have formed a definite opinion, is a position only for a coward, and one that no man can long occupy without forfeiting his own self respect, and doing violence to his moral nature?" and did he then pass through the State, declaring his unmistakable opinion, in private and in public, against a Prohibitory Law? If so, we have failed to find a record of it in any report of his labors. Indeed, if he pursued this course, he must have been *eminently unsuccessful*, if we may form an opinion from what is seen to have been his remarks before the Maine Society, and the remarks of many of its members.

Again, what *was* the change proposed by "the resolution lying on the table;" to which Mr. Lovejoy alluded in his remarks,—"and some other changes in the existing law which would make it as perfect as law could be made?" We have no means of knowing what were the "some other changes in the existing law," to which Mr. Lovejoy had reference; but we have the means of ascertaining what was "the change proposed by the resolution lying on the table."

"Mr. Clapp of Bath offered the following resolution:—

"*Resolved*, That application be made to the Legislature for an amendment in the License Law, that no license be given in any town, unless the town at its annual meeting, in March or April, shall by a vote, authorize the same."

"Mr. May of Winthrop advocated this resolution. He was not in favor of legislating faster than public opinion will warrant. The change proposed in the law by this resolution would put it in the power of the friends of Temperance to ascertain whether the majority in this State is really in favor of *prohibiting* the sale of intoxicating drinks—it would enable each town to regulate such matters for itself."

"The President suggested that such a change would throw the laboring oar

upon the rumselling party—and would strengthen the hands of selectmen who have not moral courage enough to do their duty. But such a resolution would not be consistent with insisting upon the enacting of a prohibitory law."

"Mr. H. K. Baker of Hallowell said he hoped this resolution would be thoroughly discussed before the vote is taken upon it. It ought not to be adopted without deliberation. The Union has for several years taken ground in favor of a prohibitory law. If a different ground is now to be taken, it ought not to be done without a full and free discussion."

"The resolution was then laid on the table."

This then, (the resolution of Mr. Clapp) was "the change proposed," which "with some other changes in the existing law, would make it as perfect as law could be made."

But on page 7th of the lecture, the author quotes as follows from Davis' Half-Century: "From 1836 to 1840, the cause advanced slowly. The subject of License Laws was discussed largely in Legislatures, and some unwise laws were enacted, which diverted the public mind from the great work in which they had been successfully engaged." And the lecturer asks—"what were the *license laws* here spoken of?" And his reply is "Prohibitory Laws!" "During all this time the Legislatures of half the States have been trying to improve the laws upon this subject, so as to stop or diminish the traffic in intoxicating drinks."

And yet, in 1840 he *approved* the resolution of Mr. Clapp, that proposed "a change," which, with "some other changes" would make the (then) existing law as perfect as law could be made! A law which, according to the lecture, must be classed with "Prohibitory Laws!"

If he believed "the present law *prohibitory* to a great *extent;*" and that the proposed law (by Mr. Cram) "prohibiting the sale of intoxicating drinks as a beverage" would "go but little beyond it"—the present law which he himself *approved*, with the change proposed by the resolution of the gentleman from Bath, why did he not *strenuously* oppose it on the spot? Why did he not strenuously oppose any proposed law, that was thought to be prohibitory, when, at that time, as now, "a Prohibitory Law upon this subject, to his mind, was just as impossible in any part of the civilized world, as it is impossible to make a broom that would sweep all the stars out of the sky every night?" Was not Maine, in 1840, a part of the civilized world? And again; we have it from his lips—"But that the laws of this State (Massachusetts) have done great good by limiting and restraining the traffic, there can be no doubt." In these laws of Massachusetts he means to include, of course, for he makes no exception, the laws from 1836 to 1840—which he has just told us were "Prohibitory Laws!"—and concerning these laws he adds: "And, if they were not denounced, and were executed as they would be if they were not denounced, they would

do a great deal more good;"—i. e., the *prohibitory* laws of Massachusetts between these years, would have done a great deal more good, had they not been denounced; had they been executed as they would have been, had they not been denounced!

There are some of his readers who think that he strangely confounds License and Prohibitory Laws; that he does not make the distinction between these laws which to most minds is obvious. They are confirmed in this opinion by the fact that he tells us: "It is not for the want of *attempts* at this kind of legislation, (i. e., prohibitory) that there is not such a law now. Tennessee, Mississippi, Illinois and Massachusetts passed *prohibitory* laws on this subject thirteen years ago, and they immediately became a dead letter, or were repealed." Were they *prohibitory*, or were they license laws; laws permitting it to be sold as a beverage under certain limitations and restrictions? With respect to the Massachusetts law to which the gentleman alludes, it was not considered, nor was it in reality, "a Prohibitory Law;" it was styled, at the time, "a fifteen gallon law;" it permitted, in fact, the sale and consumption of intoxicating liquor as a beverage, to some extent as right. *That* was the principle of the Massachusetts law. It was and is the principle of all license laws technically so called.

We have not before us "the Prohibitory Laws" which the lecture informs us were passed in Tennessee, Mississippi and Illinois, "thirteen years ago;" but we venture the assertion, which stands good until it is made to appear to the contrary, that the laws of these States were *license* laws, and not strictly prohibitory; not prohibitory, as this principle is found in the Maine Law, or as it has been brought forward in the proposed Law of Massachusetts. And if they were prohibitory, the lecture asserts that they did "great good by limiting and restraining the traffic, there can be no doubt; and they might have done a great deal more good had they not been denounced."

But suppose they were Prohibitory Laws, was it the *prohibitory clause* in these laws; or, in a word, was it the *principle of prohibition* in consequence of which, they "immediately became a dead letter, or were repealed?" Might not their unpopularity with the people, and their repeal, have been traced to objectionable features, or provisions in these laws, of which the prohibitory principle formed no part?

To make out his case, by the aid of the evidence of "all past experience" against the law, is it not incumbent on him to *prove*: 1st. That the laws of Massachusetts, Tennessee, etc., passed "thirteen years ago," were *prohibitory* laws? And 2nd, That it was the *principle* of *prohibition* which killed them? But he has done nothing of this kind. And here, as it seems to us, is the capital defect of the lecture.

It does not, on one of its sixteen pages, grapple with the Prohibitory principles as such, and subject it "to the test of experience, history, fact and philosophy," with a skill and directness, which, by fair reasoning proves "the thing" impossible, unjust and absurd. The author expends his ammunition on *this or that detail*, which may be modified or omitted, so long as the vital principle remains unaffected; and all the time seems to think he is sending bomb after bomb in a direction that will inevitably result in the overthrow of the principle of prohibition. Could he have become the victim of such a delusion, had he not somehow gotten into the midst of "a mazy fog," which kept him from seeing "the actuality of the gigantic benefits,"—"the diminution of crime; the wiping out of pauperism; the promotion on every hand of industry and virtue, and comfort, and salvation,"—which come of the operation of the Law in Maine, and have erected for the *principle* of prohibition one undivided and massive breastwork?

Admitting that the Massachusetts Bill and the Maine Law are objectionable in some of their details; admitting that they might be amended for the better;—what then? Does this demonstrate the injustice and absurdity of the principle?

He grants that "laws are the most delicate machinery that happens to be in this world:" that "a man who makes and perfects a good law," does a great and a good work; and a work that is not done in a day, nor in nine months, nor in a year; and yet, because the machinery of the proposed Massachusetts Law, and of the Maine Law is not perfect, he declares the foundation principle of the machinery to be absurd; and shouts to the world Away with it! There must be no time for improving the machinery! The very fact that every part of it does not work to perfection, and is not of the best finish, demonstrates the principle on which it is constructed fallacious to its core.

This, we say, fairly illustrates the "logic and rhetoric" of the lecture now under consideration; this shows the stuff of which the arguments are made, and which is to feed the fire that its enemies have set against the law. Well, the Massachusetts Bill, or rather the details of the Law, and the Maine Law have been subjected to the battering of the Rev. gentleman's "hot shot," and how do they look now? What, after all, are the facts?

First came the text; but it did not hit the law; it struck on one side of it. Not showing that the Prohibitory Law "is the cause of the offence," the text does the law no damage. Indeed, by fair interpretation, according to Dr. Asa Cummings and Rev. Albert Barnes, the fact that "one effect of the liquor law (we quote from the Christian Mirror of April 6th) has doubtless been to disclose an unexpected number of traffickers, as it certainly has to develop

unthought of specimens of demonical ingenuity in attempts to evade and transgress its provisions, is not alone and of itself a conclusive objection to the law, because it is found to exist in reference to the perfect law of God." The text, therefore, though aimed at the law, so strikes as to favor the law.

Next we have a "glance at the history and phases of the temperance cause *itself*, up to the present time." This "glance" comprises a part of the "history shot;" but it proves to have been fractured in the mould; for before it reaches the law, it breaks all to pieces! It strikes against "facts," and the reasonings of Mr. Kirk, and is so shivered, the pieces are carried whither we know not.

Then we are to "take all past experience," including the operations of the Maine Law, and "put that down as the *first* reason." But lo! it turns out, that there has been no Prohibitory Law, stricly speaking, in any State save Maine, and in Maine "it has worked well;" "the people demanded the law," and "the people will sustain it." "Nor is the result of the Portland election, (such is the testimony of the Portland newspapers) to be regarded as a popular demonstration against the liquor law."

Indeed, the spring town meetings which, without exception, have brought directly before the people, the question—the Law, or its Repeal? Rum, or no Rum?—have nobly sustained the Law. One hundred and four towns, out of one hundred and thirty-four, have gone in favor of the Law! In seven towns, not included in the above, "they have elected part temperance and part opposition. And what is more, but a short time since, his Honor, the Mayor of Portland, attended the Levee of the "Ladies' Band" of the city, where, in the course of his speech—"he promised (we quote from a Portland paper) to execute the Law faithfully and to the letter!" This is "the wall of adamant" against which this shot strikes—and the law, as yet, is unharmed! But, as though Mr. Lovejoy was fearful that in "all past experience," something might be found in the operations of the Maine Law, from which the proposed Law of Massachusetts would gain favor with people, he asks, "what are nine months in the life of a law? It shows no more what the law is, nor what it will do for society, than an infant nine months old, what kind of a man he will make;" thus cutting himself off from making use of any *unfavorable* operation of the Maine Law—had it worked unfavorably, as an argument against the Maine or Massachusetts Law.

By the by, it will take something more than the "*ipse dixit*" of any man to make the parents of a sound, healthly infant believe that he will not live, or that he will not do the service of a man, when come to manhood's years. And the friends of the Maine

Law (and its foes too,) must have something more than the mere opinion of any man, before they can be made to believe it will die; or that age will not augment its strength, since it has not yet manifested the first symptom of any disease, but has already attacked the Nemæan Lion—we mean devil—in his den; where, as they believe, the sturdy infant, without waiting to become a man, "will choke him to death, and carry the dead beast along by his beard," to the admiration of the people!

But here comes our lecturer's "analysis of the Law, and the circumstances under which it is to operate." Look out! Now we are to expect something which will hit "the heart" of all Prohibitory Laws against the sale of intoxicating liquors as a beverage, and over will fall, not to rise again, the proposed Massachusetts, and with it, the Maine Law.

Here we have the heavy shot of "fact and philosophy,"—together with "objections" and "questions" to give impetus to fact and philosophy.

Well, examine his "analysis of the law," by observing what his arguments are, and where they strike. Its aim "is to prevent crime, by taking away from those who use intoxicating drinks this temptation to crime." Suppose we grant it? Is there anything wrong in this? But, "can you reach it by legislation?" Suppose legislation will not and cannot *entirely* remove the temptation, what then? Is this to preclude the people from any attempts to remove the evil by these means? "You admit by your law that intoxicating liquors must be *made—must* be sold—*for* certain purposes." Very well; does this admission necessarily imply that we must not attempt to arrest and prohibit its sale for a common drink? If this had not been admitted, under existing circumstances, who would have been the first to exclaim — O the absurdity, the tyranny of the law! It would ruthlessly and ruinously change the habits and usages of the *sick* people and mechanics of this Commonwealth! "And when for any reason, a considerable portion of the community are, openly or secretly, violators of any law, in spirit or in form, you cannot execute it."

But it is executed in Bangor, in Portland (this Maine Liquor Law) and wherever in the State, the necessity for its execution exists, notwithstanding, we read in paper after paper, published out of the State, that not only a considerable, but "a large portion of the people have the will to violate its provision, such is their indignation." "But the premises of every man are subject to search on the oath of three men, that they *believe* liquors are kept there, and *intended* for sale."

But have you heard of direful evils resulting any where in Maine, from that provision of her Liquor Law which takes hold of "*rum houses*" as well as rum shops?

Then here is the "vengeance" and "wanton waste" feature of the bill. There was a time when the goring ox was killed, stoned and his flesh not eaten; and a time when hogs, which were kept in violation of a Prohibitory Law, were sent "violently down a steep place into the sea," though oxen were eatable and so were hogs. And it is not improbable this course stung "to madness" the owners of goring oxen and unclean swine; and that they exclaimed, "this looks a little like vengeance;" this will "neither promote good morals" nor good eating, and for aught we know, "the destruction" was "*essential* to the law;" but it did not show, that an attempt to frame a Prohibitory Law was absurd.

In Rockland, Maine, as in some other towns, quite a number of barrels of liquor were destroyed, by turning it into the gutter. This destruction of liquor in Rockland is computed, by our wisest men, to be a clear gain to the place of more than three thousand dollars! was it the "wanton waste" of so much liquor?

Now, examine the "analysis of the law" given in the lecture, and put your finger, if you can—we cannot—on the first item of the analysis which establishes the point that a Prohibitory Law is unjust, impossible and absurd. All that is said under this head "is hacking away at the branches, while the great trunk and the deep cast roots" are left untouched. It is not "the logic" of a feather's weight towards proving that the outlawing of all intoxicating liquors as a beverage, is not right; or that it is inexpedient; or that the evil cannot be reached by legislation.

As to the question, "have you a right to change by coercive measures the habits and usages of one half the people of this Commonwealth?" and to which the lecturer replies—"I doubt it," we have this much to say: Without answering for the people of Massachusetts, the temperance and order-loving people of Maine, might reply, that as they have never claimed the right, they have never attempted to change the habits and usages of any portion of the people of the State of Maine, in relation to the use of intoxicating liquor, by any "*coercive* measures," other than by carrying out the wise provisions of a *constitutional* law, to do away with a public evil—which by corrupting the public morals, is undermining all virtue, and will destroy all good, if left to the constantly accelerating forces, which it is drawing to its aid as long as the traffic in liquor as a beverage, is not outlawed! In conclusion we must express our astonishment, and there are many that are astonished with us, that any clergyman of New England should, at this day, regard it as a fact, and take it for granted, that his intelligent readers admit, that "Christ made and gave away at Galilee" alcoholic wine!

In 1840 Professor Bush, in a communication to the New York

Observer, upon the works, Bacchus, and Anti-Bacchus, wrote as follows: "The case is to me now very clear, that alcoholic liquors are never spoken of with approbation in any part of the Bible, and that Jesus Christ never made, or gave, or offered an intoxicating wine in his life to any one." Dr. Nott, and the late Professor Stuart, and many able commentators, and writers on this subject, as Mr. Lovejoy knows, agree with Professor Bush in this matter. This is doubtless the belief of four-fifths of the temperance community in England and in this country, who have at any time been interested in the question. Whether the Savior did, or did not make and give away at Galilee alcoholic wine is, we know, not to be decided by the authority of great names; yet there are few men to be found, whose opinions are entitled to higher respect on this subject, than the opinions of many of those learned and pious men, who by no means agree with the author of this lecture in the views he has incidentally expressed of the Savior's use of alcoholic wine. If these men have been guilty of "a great deal of bad argument and worse exegesis, in trying to show that the wine spoken of in scripture, (with approbation) *was* not *real* (i. e. alcoholic) wine," let the lecturer do the world some service, by unmasking the argument and exegesis through which *he* so clearly sees the truth; he ought to have done this years since.

Again we are somewhat surprised that the only crumbs of advice which the lecture benevolently gives to the advocates of a Prohibitory Law, are to "punish *overt acts* and let *intentions* alone;"—to try men for *acts done*, and not arraign them because some person "believes, and has reason to believe, that such a person intends to commit an offence;" and to preach "original sin" as the best means of preventing rum-selling, and let Prohibitory Laws alone. And all this is said just as though *intentions* were never discoverable from *overt acts;* as though men were never *justly* arraigned on the oath of a person or persons, charged with the *intention* of stealing, or of committing arson, or of selling rum, and their *intention* so considered a part of their *overt acts*, as to subject them to punishment, if proved guilty of that with which they are charged. We know nothing of the lecturer's success in inducing rum-sellers to desist, by preaching to them "original sin."

In 1840, he said: "You might as well attempt to tow a live whale around Cape Cod with a fish line, as to make all these men quit the business by the use of moral suasion!"

The Maine Law has been very successful in this work by preaching to rum-sellers their present crime, without alluding to "original sin."

In short, we are surprised that the author of the lecture—who was so near advocating the use of law in 1840—(see doings of

Maine State Society, at its meeting of that year), should now go the "simpering tone" of moral suasion! But so it is: *Tempora mutantur, et nos mutamur in illis.*" There is nothing fixed or stable, either in situations or opinions.

> "Men change with fortune, manners change with climes,—
> Tenets with books, and principles with times."

Farther, when it was announced that *Rev. Mr. Lovejoy* had come out in a lecture against Prohibitory Laws; and more especially, when we read in the Christian Mirror the high encomium on the lecture, by its able editor, then we thought and said, "well, at length the heavy artillery is brought to bear upon the grand principle of Prohibitory Laws." We began to tremble lest, after all, there would be "a sudden abrogation of the law in this State, either by authority, or suffering it to become a dead letter," which, (with Mr. Cummings) we believe "would be a sad calamity, which should, if possible, be forestalled." And, we were well aware, that if this "sad calamity" came upon Maine, Massachusetts would inevitably take "the full force of the heavy shock," and it would rumble through New York, Rhode Island and Pennsylvania, and onward, and onward, spreading dismay in the temperance ranks! But there are those who have read the lecture, and who have made it "a study, according to the best of their abilities, and arrived at some fixed and definite conclusions." They are astonished at the nature and magnitude of its deficiencies; its destitution of logical method in arrangement; the losseness of its facts; its poverty of arguments; its multitude of side issues; its masterly keeping away from a manly, lucid discussion, or any kind of discussion, of *the principle* on the soundness, or unsoundness of which Prohibitory Laws stand or fall; its dogmatical assumptions; unwarrantable deductions and conclusions; and its immeasurable dependence on the credulity, if not the ignorance of the people! It is hardly possible that Massachusetts can be really enlightened by it; it will take something stronger to irrefragably convince her, that "to outlaw all intoxicating liquors as a beverage," is unjust or inexpedient. Nor, as the result has shown, have the arguments of the lecture proved to be of much weight with the Massachusetts Legislature, to say the least; for though its members have had ample time to consider these arguments, the proposed Bill, with some slight modifications, has become a law,—i. e., if the people of the Commonwealth give their verdict of approval.

And the people will show, if we do not greatly mistake their views on this question, that some stronger reasons than those which have been adduced in this lecture, were necessary to convince them, that the rejection of the law would best promote their in-

terests. Its influence to shake the faith of temperance men in Maine, in prohibitory legislation against the traffic—is, and must continue to be, "amazingly small." "Society has been stimulated," —has it?—upon this subject, "till it has been strained;" and "it asks repose and reflection."

There is a kind of "repose and reflection," for which the rum-seller and the rum-drinker ask; it is that delightful repose and reflection which comes to them from giving the one unlimited swing in his traffic, and the other the glorious liberty of drinking when and where he pleases,—disease, poverty, crime and death, to the contrary, notwithstanding! Well, rum-sellers and rum-drinkers; here is a discovery for you! "If you want to do more to destroy temperance in one year" than can be regained "in five"—just let "this law" pass, and the thing is done. This is the opinion expressed by the lecturer, and you will believe him—wont you?

You were not aware of this, or you would not have opposed the law so strenuously! From this moment, we may look for your opposition to the law to cease. You will raise no more funds to prevent the passage of the proposed Massachusetts—or to repeal the Maine Law! Yor want "the excitement and the strife which (these laws) will produce; the very soil"—Mr. Lovejoy tells you, "in which intemperance in drinking, finds its most numerous and easy victims." Here "is a good time coming" to you then, by these doings of fanatical temperance people; if you will only let them go on—and mark! though you raise money to any amount, to scatter broad-cast—"thick as leaves in autumn," the lecture of Mr. Lovejoy against Prohibitory Laws—it is not, because *you do not* believe Prohibitory Laws will do more to destroy temperance in one year, than can be regained in five!

Your faith is affirmative! You do believe Prohibitory Laws will do this! But, alas! the readiness of your fellow men to impute to you the worst motives in circulating the lecture. Alas! their base attempt to show that you do not want a Prohibitory Law, because you want to continue in the traffic and use of intoxicating liquor. Whereas, you would that all might read the lecture, because you are desirous, exceedingly desirous, that temperance men should be withheld from getting in *their* hot haste, a law that will so far *put back*, and so long *keep back* the glorious cause of temperance!! "Let the circumcised Jew believe it"—we do not.

We might have proceeded, in the course of this review, to show formally, that the *great principle* of the Prohibitory Law is sustained by the word of God. And is repeatedly acknowledged as just in every age of human legislation. But *the principle* has been well discussed and considered by the people. Mr. Lovejoy does

not attempt to show, that it is *not well founded* by any reasoning to the point; and why should we then attempt any defence of the "principle;" other than that which incidentally came in—in following out the main object which we had in view—which was "a review of the lecture?"

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